

generally and supervision by the Attorney General, prior to repeal by Pub. L. 100-690, §7608(a)(1). See section 566 of this title.

#### AMENDMENTS

1988—Pub. L. 100-690 renumbered section 576 of this title as this section.

#### EFFECTIVE DATE

Section 1212 of subpart B (§§1211, 1212) of part F of chapter XII of title II of Pub. L. 98-473 provided that: “The amendments made by this subpart [enacting this section] shall take effect on October 1, 1984.”

### **[§§ 570, 571. Repealed. Pub. L. 100-690, title VII, § 7608(a)(1), Nov. 18, 1988, 102 Stat. 4512]**

Section 570, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 620, granted United States marshals the power of a sheriff in executing laws of the United States in a State. See section 564 of this title.

Section 571, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 621; amended Pub. L. 95-598, title II, §§222, 223, Nov. 6, 1978, 92 Stat. 2662; Pub. L. 97-258, §2(g)(2), Sept. 13, 1982, 96 Stat. 1060, related to disbursement of salaries and moneys.

### **[§ 572. Renumbered § 567]**

### **[§§ 572a to 574. Repealed. Pub. L. 100-690, title VII, § 7608(a)(2)(A), Nov. 18, 1988, 102 Stat. 4514]**

Section 572a, added Pub. L. 97-258, §2(g)(3)(B), Sept. 13, 1982, 96 Stat. 1060, related to depositing of public moneys. See section 566(f) of this title.

Section 573, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 621, related to delivery of prisoners to a successor. See section 566(g)(1) of this title.

Section 574, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 621, related to delivery of unserved process to a successor. See section 566(g)(2) of this title.

### **[§§ 575, 576. Renumbered §§ 568, 569]**

## **CHAPTER 39—UNITED STATES TRUSTEES**

Sec.

- 581. United States trustees.
- 582. Assistant United States trustees.
- 583. Oath of office.
- 584. Official stations.
- 585. Vacancies.
- 586. Duties; supervision by Attorney General.
- 587. Salaries.
- 588. Expenses.
- 589. Staff and other employees.
- 589a. United States Trustee System Fund.
- 589b. Bankruptcy data.

#### AMENDMENTS

2005—Pub. L. 109-8, title VI, §602(b), Apr. 20, 2005, 119 Stat. 122, added item 589b.

1986—Pub. L. 99-554, title I, §115(b), Oct. 27, 1986, 100 Stat. 3095, added item 589a.

### **UNITED STATES TRUSTEE PILOT; REPEAL OF BANKRUPTCY PROVISIONS RELATING TO UNITED STATES TRUSTEES**

Pub. L. 95-598, title IV, §408, Nov. 6, 1978, 92 Stat. 2686, as amended by Pub. L. 98-166, title II, §200, Nov. 28, 1983, 97 Stat. 1081; Pub. L. 98-353, title III, §323, July 10, 1984, 98 Stat. 358; Pub. L. 99-429, Sept. 30, 1986, 100 Stat. 985; Pub. L. 99-500, §101(b) [title II, §200], Oct. 18, 1986, 100 Stat. 1783-39, 1783-45, and Pub. L. 99-591, §101(b) [title II, §200], Oct. 30, 1986, 100 Stat. 3341-39, 3341-45; Pub. L. 99-554, title III, §307(a), Oct. 27, 1986, 100 Stat. 3125, which provided that the Attorney General conduct such studies and surveys as necessary to evaluate

needs, feasibility, and effectiveness of the United States trustee system, and report result of such studies and surveys to Congress, the President, and the Judicial Conference of the United States, beginning on or before January 3, 1980, and annually thereafter during the transition period; that not later than January 3, 1984, the Attorney General report to Congress, the President, and the Judicial Conference of the United States, as to the feasibility, projected annual cost and effectiveness of the United States trustee system, as determined on the basis of the studies and surveys respecting the operation of the United States trustee system in the districts, together with recommendations as to the desirability and method of proceeding with implementation of the United States trustee system in all judicial districts of the United States; and that chapter 15 of title 11 and chapter 39 of this title were repealed, and all references to the United States trustee contained in this title were deleted, 30 days after the effective date of Pub. L. 99-554 (see section 302 of Pub. L. 99-554, set out as a note under section 581 of this title), with service of any United States trustee, of any assistant United States trustee, and of any employee employed or appointed under the authority of such chapter 39 was terminated on such date, was repealed by Pub. L. 99-554, title III, §307(b), Oct. 27, 1986, 100 Stat. 3125.

### **§ 581. United States trustees**

(a) The Attorney General shall appoint one United States trustee for each of the following regions composed of Federal judicial districts (without regard to section 451):

(1) The judicial districts established for the States of Maine, Massachusetts, New Hampshire, and Rhode Island.

(2) The judicial districts established for the States of Connecticut, New York, and Vermont.

(3) The judicial districts established for the States of Delaware, New Jersey, and Pennsylvania.

(4) The judicial districts established for the States of Maryland, North Carolina, South Carolina, Virginia, and West Virginia and for the District of Columbia.

(5) The judicial districts established for the States of Louisiana and Mississippi.

(6) The Northern District of Texas and the Eastern District of Texas.

(7) The Southern District of Texas and the Western District of Texas.

(8) The judicial districts established for the States of Kentucky and Tennessee.

(9) The judicial districts established for the States of Michigan and Ohio.

(10) The Central District of Illinois and the Southern District of Illinois; and the judicial districts established for the State of Indiana.

(11) The Northern District of Illinois; and the judicial districts established for the State of Wisconsin.

(12) The judicial districts established for the States of Minnesota, Iowa, North Dakota, and South Dakota.

(13) The judicial districts established for the States of Arkansas, Nebraska, and Missouri.

(14) The District of Arizona.

(15) The Southern District of California; and the judicial districts established for the State of Hawaii, and for Guam and the Commonwealth of the Northern Mariana Islands.

(16) The Central District of California.

(17) The Eastern District of California and the Northern District of California; and the ju-

dicial district established for the State of Nevada.

(18) The judicial districts established for the States of Alaska, Idaho (exclusive of Yellowstone National Park), Montana (exclusive of Yellowstone National Park), Oregon, and Washington.

(19) The judicial districts established for the States of Colorado, Utah, and Wyoming (including those portions of Yellowstone National Park situated in the States of Montana and Idaho).

(20) The judicial districts established for the States of Kansas, New Mexico, and Oklahoma.

(21) The judicial districts established for the States of Alabama, Florida, and Georgia and for the Commonwealth of Puerto Rico and the Virgin Islands of the United States.

(b) Each United States trustee shall be appointed for a term of five years. On the expiration of his term, a United States trustee shall continue to perform the duties of his office until his successor is appointed and qualifies.

(c) Each United States trustee is subject to removal by the Attorney General.

(Added Pub. L. 95-598, title II, §224(a), Nov. 6, 1978, 92 Stat. 2662; amended Pub. L. 99-554, title I, §111(a)-(c), Oct. 27, 1986, 100 Stat. 3090, 3091.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-554, §111(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Attorney General shall appoint one United States trustee for each of the following districts or groups of districts:

“(1) District of Maine, District of New Hampshire, District of Massachusetts, and District of Rhode Island.

“(2) Southern District of New York.

“(3) District of Delaware and District of New Jersey.

“(4) Eastern District of Virginia and District of District of Columbia.

“(5) Northern District of Alabama.

“(6) Northern District of Texas.

“(7) Northern District of Illinois.

“(8) District of Minnesota, District of North Dakota, District of South Dakota.

“(9) Central District of California.

“(10) District of Colorado and District of Kansas.”

Subsec. (b). Pub. L. 99-554, §111(b), substituted “five years” for “seven years” and “office” for “Office”.

Subsec. (c). Pub. L. 99-554, §111(c), struck out “for cause” after “removal”.

#### EFFECTIVE DATE OF 1986 AMENDMENT; TRANSITION AND ADMINISTRATIVE PROVISIONS

Pub. L. 99-554, title III, Oct. 27, 1986, 100 Stat. 3118, as amended by Pub. L. 101-650, title III, §317(a), (c), Dec. 1, 1990, 104 Stat. 5115, 5116; Pub. L. 103-65, §1, Aug. 6, 1993, 107 Stat. 311; Pub. L. 106-518, title V, §501, Nov. 13, 2000, 114 Stat. 2421; Pub. L. 109-8, title X, §1001(c), Apr. 20, 2005, 119 Stat. 186, provided that:

“SEC. 301. INCUMBENT UNITED STATES TRUSTEES.

“(a) AREA FOR WHICH APPOINTED.—Notwithstanding any paragraph of section 581(a) of title 28, United

States Code, as in effect before the effective date of this Act, a United States trustee serving in such office on the effective date of this Act shall serve the remaining term of such office as United States trustee for the region specified in a paragraph of such section, as amended by this Act, that includes the site at which the primary official station of the United States trustee is located immediately before the effective date of this Act.

“(b) TERM OF OFFICE.—Notwithstanding section 581(b) of title 28, United States Code, as in effect before the effective date of this Act, the term of office of any United States trustee serving in such office on the date of the enactment of this Act [Oct. 27, 1986] shall expire—

“(1) 2 years after the expiration date of such term of office under such section, as so in effect, or

“(2) 4 years after the date of the enactment of this Act, whichever occurs first.

#### “SEC. 302. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b), (c), (d), (e), and (f), this Act and the amendments made by this Act [see Short Title of 1986 Amendment note below] shall take effect 30 days after the date of the enactment of this Act [Oct. 27, 1986].

“(b) AMENDMENTS RELATING TO BANKRUPTCY JUDGES AND INCUMBENT UNITED STATES TRUSTEES.—Subtitle A of title I, and sections 301 and 307(a) [amending sections 152 and 156 of this title, enacting provisions set out as notes under section 581 of this title, and amending provisions set out as notes under section 152 of this title and preceding section 581 of this title], shall take effect on the date of the enactment of this Act [Oct. 27, 1986].

“(c) AMENDMENTS RELATING TO FAMILY FARMERS.—(1) The amendments made by subtitle B of title II [§§251 to 257 of Pub. L. 99-554, see Tables for classification] shall not apply with respect to cases commenced under title 11 of the United States Code before the effective date of this Act.

“(2) Section 1202 of title 11 of the United States Code (as added by the amendment made by section 255 of this Act) shall take effect on the effective date of this Act and before the amendment made by section 227 of this Act [amending section 1202 of this title].

“(3) Until the amendments made by subtitle A of title II of this Act [§§201 to 231 of Pub. L. 99-554, see Tables for classification] become effective in a district and apply to a case, for purposes of such case—

“(A)(i) any reference in section 326(b) of title 11 of the United States Code to chapter 13 of title 11 of the United States Code shall be deemed to be a reference to chapter 12 or chapter 13 of title 11 of the United States Code,

“(ii) any reference in such section 326(b) to section 1302(d) of title 11 of the United States Code shall be deemed to be a reference to section 1302(d) of title 11 of the United States Code or section 586(b) of title 28 of the United States Code, and

“(iii) any reference in such section 326(b) to section 1302(a) of title 11 of the United States Code shall be deemed to be a reference to section 1202(a) or section 1302(a) of title 11 of the United States Code, and

“(B)(i) the first two references in section 1202(a) of title 11 of the United States Code (as added by the amendment made by section 255 of this Act) to the United States trustee shall be deemed to be a reference to the court, and

“(ii) any reference in such section 1202(a) to section 586(b) of title 28 of the United States Code shall be deemed to be a reference to section 1202(c) of title 11 of the United States Code (as so added).

“(d) APPLICATION OF AMENDMENTS TO JUDICIAL DISTRICTS.—

“(1) CERTAIN REGIONS NOT CURRENTLY SERVED BY UNITED STATES TRUSTEES.—(A) The amendments made by subtitle A of title II of this Act [§§201 to 231 of Pub. L. 99-554, see Tables for classification], and sec-

tion 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not—

- “(i) become effective in or with respect to a judicial district specified in subparagraph (B) until, or
- “(ii) apply to cases while pending in such district before,

the expiration of the 270-day period beginning on the effective date of this Act or of the 30-day period beginning on the date the Attorney General certifies under section 303 of this Act the region specified in a paragraph of section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, that includes such district, whichever occurs first.

“(B) Subparagraph (A) applies to the following:

- “(i) The judicial district established for the Commonwealth of Puerto Rico.
- “(ii) The District of Connecticut.
- “(iii) The judicial districts established for the State of New York (other than the Southern District of New York).
- “(iv) The District of Vermont.
- “(v) The judicial districts established for the State of Pennsylvania.
- “(vi) The judicial district established for the Virgin Islands of the United States.
- “(vii) The District of Maryland.
- “(viii) The judicial districts established for the State of North Carolina.
- “(ix) The District of South Carolina.
- “(x) The judicial districts established for the State of West Virginia.
- “(xi) The Western District of Virginia.
- “(xii) The Eastern District of Texas.
- “(xiii) The judicial districts established for the State of Wisconsin.
- “(xiv) The judicial districts established for the State of Iowa.
- “(xv) The judicial districts established for the State of New Mexico.
- “(xvi) The judicial districts established for the State of Oklahoma.
- “(xvii) The District of Utah.
- “(xviii) The District of Wyoming (including those portions of Yellowstone National Park situated in the States of Montana and Idaho).
- “(xix) The judicial districts established for the State of Alabama.
- “(xx) The judicial districts established for the State of Florida.
- “(xxi) The judicial districts established for the State of Georgia.

“(2) CERTAIN REMAINING JUDICIAL DISTRICTS NOT CURRENTLY SERVED BY UNITED STATES TRUSTEES.—(A) The amendments made by subtitle A of title II of this Act [§§ 201 to 231 of Pub. L. 99-554, see Tables for classification], and section 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not—

- “(i) become effective in or with respect to a judicial district specified in subparagraph (B) until, or
- “(ii) apply to cases while pending in such district before,

the expiration of the 2-year period beginning on the effective date of this Act or of the 30-day period beginning on the date the Attorney General certifies under section 303 of this Act the region specified in a paragraph of section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, that includes such district, whichever occurs first.

“(B) Subparagraph (A) applies to the following:

- “(i) The judicial districts established for the State of Louisiana.
- “(ii) The judicial districts established for the State of Mississippi.
- “(iii) The Southern District of Texas and the Western District of Texas.
- “(iv) The judicial districts established for the State of Kentucky.
- “(v) The judicial districts established for the State of Tennessee.

“(vi) The judicial districts established for the State of Michigan.

“(vii) The judicial districts established for the State of Ohio.

“(viii) The judicial districts established for the State of Illinois (other than the Northern District of Illinois).

“(ix) The judicial districts established for the State of Indiana.

“(x) The judicial districts established for the State of Arkansas.

“(xi) The judicial districts established for the State of Nebraska.

“(xii) The judicial districts established for the State of Missouri.

“(xiii) The District of Arizona.

“(xiv) The District of Hawaii.

“(xv) The judicial district established for Guam.

“(xvi) The judicial district established for the Commonwealth of the Northern Mariana Islands.

“(xvii) The judicial districts established for the State of California (other than the Central District of California).

“(xviii) The District of Nevada.

“(xix) The District of Alaska.

“(xx) The District of Idaho.

“(xxi) The District of Montana.

“(xxii) The District of Oregon.

“(xxiii) The judicial districts established for the State of Washington.

“(3) JUDICIAL DISTRICTS FOR THE STATES OF ALABAMA AND NORTH CAROLINA.—(A) Notwithstanding paragraphs (1) and (2), and any other provision of law, the amendments made by subtitle A of title II of this Act [§§ 201 to 231 of Pub. L. 99-554, see Tables for classification], and section 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not—

- “(i) become effective in or with respect to a judicial district specified in subparagraph (E) until, or
- “(ii) apply to cases while pending in such district before,

such district elects to be included in a bankruptcy region established in section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, except that the amendment to section 105(a) of title 11, United States Code, shall become effective as of the date of the enactment of the Federal Courts Study Committee Implementation Act of 1990 [Dec. 1, 1990].

“(B) Any election under subparagraph (A) shall be made upon a majority vote of the chief judge of such district and each bankruptcy judge in such judicial district in favor of such election.

“(C) Notice that an election has been made under subparagraph (A) shall be given, not later than 10 days after such election, to the Attorney General and the appropriate Federal Circuit Court of Appeals for such district.

“(D) Any election made under subparagraph (A) shall become effective on the date the amendments made by subtitle A of title II of this Act become effective in the region that includes such district or 30 days after the Attorney General receives the notice required under subparagraph (C), whichever occurs later.

“(E) Subparagraph (A) applies to the following:

“(i) The judicial districts established for the State of Alabama.

“(ii) The judicial districts established for the State of North Carolina.

“(F)(i) Subject to clause (ii), with respect to cases under chapters 7, 11, 12, and 13 of title 11, United States Code—

“(I) commenced before the effective date of this Act, and

“(II) pending in a judicial district in the State of Alabama or the State of North Carolina before any election made under subparagraph (A) by such district becomes effective,

the amendments made by section 113 [amending section 586 of this title] and subtitle A of title II of this Act, and section 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not apply until the expiration of the 1-year period beginning on the date such election becomes effective.

“(i) For purposes of clause (i), the amendments made by section 113 and subtitle A of title II of this Act, and section 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not apply with respect to a case under chapter 7, 11, 12, or 13 of title 11, United States Code, if—

“(I) the trustee in the case files the final report and account of administration of the estate, required under section 704 of such title, or

“(II) a plan is confirmed under section 1129, 1225, or 1325 of such title,

before the expiration of the 1-year period beginning on the date such election becomes effective.

“(G) Notwithstanding section 589a of title 28, United States Code, as added by section 115 of this Act, funds collected as a result of the amendments made by section 117 of this Act [amending section 1930 of this title] in a judicial district in the State of Alabama or the State of North Carolina under section 1930(a) of title 28, United States Code, before the date the amendments made by subtitle A of title II of this Act take effect in such district shall be deposited in the general receipts of the Treasury.

“(H) The repeal made by section 231 of this Act [repealing chapter 15 of title 11] shall not apply in or with respect to the Northern District of Alabama until March 1, 1987, or the effective date of any election made under subparagraph (A) by such district, whichever occurs first.

“(I) In any judicial district in the State of Alabama or the State of North Carolina that has not made the election described in subparagraph (A), any person who is appointed under regulations issued by the Judicial Conference of the United States to administer estates in cases under title 11 of the United States Code may—

“(i) establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under title 11, United States Code, and

“(ii) supervise the administration of cases and trustees in cases under chapters 7, 11, 12, and 13 of title 11, United States Code,

until the amendments made by subtitle A of title II take effect in such district.

“(e) APPLICATION OF UNITED STATES TRUSTEE SYSTEM AND QUARTERLY FEES TO CERTAIN CASES.—

“(1) IN GENERAL.—Subject to paragraph (2), with respect to cases under chapters 7, 11, 12, and 13 of title 11, United States Code—

“(A) commenced before the effective date of this Act, and

“(B) pending in a judicial district referred to in section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, for which a United States trustee is not authorized before the effective date of this Act to be appointed,

the amendments made by section 113 [amending section 586 of this title] and subtitle A of title II of this Act [§§ 201 to 231 of Pub. L. 99-554, see Tables for classification], and section 1930(a)(6) of title 28 of the United States Code (as added by section 117(4) of this Act), shall not apply until the expiration of the 3-year period beginning on the effective date of this Act, or of the 1-year period beginning on the date the Attorney General certifies under section 303 of this Act the region specified in a paragraph of such section 581(a), as so amended, that includes such district, whichever occurs first.

“(2) AMENDMENTS INAPPLICABLE.—For purposes of paragraph (1), the amendments made by section 113 and subtitle A of title II of this Act, and section 1930(a)(6) of title 28 of the United States Code (as

added by section 117(4) of this Act), shall not apply with respect to a case under chapter 7, 11, 12, or 13 of title 11, United States Code, if—

“(A) the trustee in the case files the final report and account of administration of the estate, required under section 704 of such title, or

“(B) a plan is confirmed under section 1129, 1225, or 1325 of such title,

before the expiration of the 3-year period, or the expiration of the 1-year period, specified in paragraph (1), whichever occurs first.

“(3) RULE OF CONSTRUCTION REGARDING FEES FOR CASES.—This Act [see Short Title of 1986 Amendment note below] and the amendments made by section 117(4) of this Act [amending section 1930 of this title] shall not be construed to require the payment of a fee under paragraph (6) of section 1930(a) of title 28, United States Code, in a case under title 11 of the United States Code for any conduct or period occurring before such paragraph becomes effective in the district in which such case is pending.

#### “SEC. 303. CERTIFICATION OF JUDICIAL DISTRICTS; NOTICE AND PUBLICATION OF CERTIFICATION.

“(a) CERTIFICATION BY ATTORNEY GENERAL.—The Attorney General may certify in writing a region specified in a paragraph of section 581(a) of title 28, United States Code (other than paragraph (16)), as amended by section 111(a) of this Act, to the appropriate court of appeals of the United States, for the purpose of informing such court that certain amendments made by this Act will become effective in accordance with section 302 of this Act.

“(b) NOTICE AND PUBLICATION OF CERTIFICATION.—Whenever the Attorney General transmits a certification under subsection (a), the Attorney General shall simultaneously—

“(1) transmit a copy of such certification to the Speaker of the House of Representatives and to the President pro tempore of the Senate, and

“(2) publish such certification in the Federal Register.

#### “SEC. 304. ADMINISTRATIVE PROVISIONS.

“(a) COOPERATIVE ARRANGEMENTS.—The Attorney General and the Director of the Administrative Office of the United States Courts may enter into agreements under which United States trustees may—

“(1) use—

“(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of the courts of the United States, and

“(B) the facilities of such courts, and

“(2) cooperate in the use by the courts of the United States of—

“(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of United States trustees, and

“(B) the facilities of such trustees,

to prevent duplication during the 2-year period beginning on the effective date of this Act.

“(b) INFORMATION AND DOCUMENTS RELATING TO BANKRUPTCY CASES AND UNITED STATES TRUSTEES.—The Director of the Administrative Office of the United States Courts shall make available to United States trustees, at the request of the Attorney General and on a continuing basis, all records, reports, and data compilations relating to—

“(1) cases and proceedings under title 11 of the United States Code, and

“(2) the duties of United States trustees under titles 11 and 28 of the United States Code.

#### “SEC. 305. APPLICATION OF CERTAIN BANKRUPTCY RULES.

“(a) RULES RELATING TO THE UNITED STATES TRUSTEE SYSTEM.—If a United States trustee is not authorized, before the effective date of this Act, to be appointed for a judicial district referred to in section 581(a) of title 28, United States Code, as amended by section 111(a) of

this Act, then part X of the Bankruptcy Rules [11 U.S.C. App.] shall not apply to cases in such district until the amendments made by subtitle A of title II of this Act [§§ 201 to 231 of Pub. L. 99-554, see Tables for classification] become effective under section 302 of this Act in such district.

“(b) RULES RELATING TO CHAPTER 12 OF TITLE 11.—The rules prescribed under section 2075 of title 28, United States Code, and in effect on the date of the enactment of this Act [Oct. 27, 1986] shall apply to cases filed under chapter 12 of title 11, United States Code, to the extent practicable and not inconsistent with the amendments made by title II of this Act [see Tables for classification].

“SEC. 306. SALARY OF INCUMBENT UNITED STATES TRUSTEES.

“For service as a United States trustee in the period beginning on the effective date of this Act and ending on the expiration under section 301 of this Act of their respective terms of office, the salary payable to United States trustees serving in such offices on the effective date of this Act shall be fixed in accordance with section 587 of title 28, United States Code, as amended by section 114(a) of this Act.

“SEC. 307. PRESERVATION OF UNITED STATES TRUSTEE SYSTEM DURING PENDENCY OF LEGISLATION; REPEALER.

“(a) TEMPORARY DELAY OF REPEAL OF UNITED STATES TRUSTEE SYSTEM.—Effective immediately before November 10, 1986, section 408(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), is amended by striking out ‘November 10, 1986’ and inserting in lieu thereof ‘30 days after the effective date of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 [Pub. L. 99-554]’.

“(b) CONFORMING AMENDMENT.—Section 408 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), is repealed.

“SEC. 308. CONSIDERATION OF CURRENT PRIVATE TRUSTEES FOR APPOINTMENT BY UNITED STATES TRUSTEES.

“(a) TRUSTEES IN BANKRUPTCY CASES UNDER CHAPTER 7.—It is the sense of the Congress that individuals who are serving before the effective date of this Act, as trustees in cases under chapter 7 of title 11, United States Code, should be considered by United States trustees for appointment under section 586(a)(1) of title 28, United States Code, to the panels of private trustees that are established as a result of the amendments made by this Act [see Short Title of 1986 Amendment note below].

“(b) STANDING TRUSTEES IN BANKRUPTCY CASES UNDER CHAPTER 13.—It is the sense of the Congress that individuals who are serving before the effective date of this Act, as standing trustees in cases under chapter 13 of title 11, United States Code, should be considered by the United States trustees for appointment under section 586(b) of title 28, United States Code, as standing trustees who are appointed as a result of the amendments made by this Act [see Short Title of 1986 Amendment note below].

“SEC. 309. APPOINTMENT OF UNITED STATES TRUSTEES BY THE ATTORNEY GENERAL.

“It is the sense of the Congress that individuals otherwise qualified who are serving, before the effective date of this Act, as estate administrators under title 11 of the United States Code should be considered by the Attorney General for appointment under sections 581 and 582 of title 28, United States Code, to new positions of United States trustee and assistant United States trustee resulting from the amendments made by this Act [see Short Title of 1986 Amendment note below].

“SEC. 310. ELECTRONIC CASE MANAGEMENT DEMONSTRATION PROJECT.

“(a) ESTABLISHMENT OF PROJECT.—Not later than 1 year after the effective date of this Act, the Director of

the Executive Office for United States Trustees, in consultation with the Director of the Administrative Office of the United States Courts, shall establish an electronic case management demonstration project to be carried out in 3 Federal judicial districts that have a sufficiently large and varied bankruptcy caseload so as to provide a meaningful evaluation of the cost and effectiveness of such system. A contract for such project shall be awarded—

“(1) on the basis of competitive bids submitted by qualified nongovernmental entities that are able to design an automated joint information system for use by the United States courts and by United States trustees, and

“(2) in accordance with the Federal Property and Administrative Services Act of 1949 [now chapters 1 to 11 of Title 40, Public Buildings, Property, and Works, and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)], the Office of Federal Procurement Policy Act [see Short Title note under 41 U.S.C. 401], and title 31 of the United States Code.

“(b) STUDY BY GENERAL ACCOUNTING OFFICE [NOW GOVERNMENT ACCOUNTABILITY OFFICE].—Not later than 1 year after the electronic case management system begins to operate in all of the judicial districts participating in the demonstration project carried out under subsection (a), the General Accounting Office [now Government Accountability Office] shall conduct a study to compare the cost and effectiveness of such system with the cost and effectiveness of case management systems used in Federal judicial districts that are not participating in such project.

“(c) TERM OF PROJECT.—The demonstration project required by subsection (a) shall be carried out until—

“(1) the expiration of the 2-year period beginning on the date the electronic case management system begins to operate in all of the judicial districts participating in such project, or

“(2) legislation is enacted to extend, expand, modify, or terminate the operation of such project, whichever occurs first.

“(d) USE BY CLERKS OF THE COURTS.—The electronic case management system demonstrated under the project required by subsection (a) shall provide the clerk of court in each district in which such system is operated, with a means of—

“(1) maintaining a complete electronic case file of all relevant information contained in petitions and schedules (and any amendments thereto) relating to debtors in cases under title 11 of the United States Code, including—

“(A) a complete list of creditors in each such case, as listed by the debtor,

“(B) a complete list of assets scheduled by the debtor, the value of such asset, and any action taken by the trustee or debtor in possession with regard to such asset during the pendency of such case,

“(C) a complete list of debts and, with respect to each debt—

“(i) any priority of such debt under title 11 of the United States Code,

“(ii) whether such debt is secured or unsecured, and

“(iii) whether such debt is contingent or non-contingent, and

“(D) the debtor’s statements of current expenses and income, and

“(2) maintaining all calendars and dockets and producing all notices required to be sent in cases under title 11 of the United States Code.

“(e) USE BY UNITED STATES TRUSTEES.—The electronic case management system demonstrated under the project required by subsection (a) shall provide, at a minimum, the United States trustee in each district in which such system is operated with—

“(1) complete electronic case files which contain, in addition to the information listed in subsection (d), records of case openings, case closings, hearings, and the filing of all motions, trustee appointments, plead-

ings, and responses, as well as a record of the responses by the United States trustee to those motions, trustee appointments, and pleadings.

“(2) a means to generate standardized forms for motions, appointments, pleadings, and responses,

“(3) a means to generate standard management reports and letters on an exception basis,

“(4) a means to maintain accounting records, reports, and information required to be maintained by debtors in possession and trustees in cases under title 11 of the United States Code,

“(5) a means to calculate and record distribution to creditors, final applications and orders for distribution, and final case closing reports, and

“(6) a means to monitor the payment of filing and other required fees.

“(f) **AVAILABILITY TO CERTAIN GOVERNMENTAL ENTITIES.**—Unlimited access to information maintained in the electronic case management system demonstrated under the project required by subsection (a) shall be provided at no charge to the following:

“(1) The Congress.

“(2) The Executive Office for the United States Trustees.

“(3) The Administrative Office of the United States Courts.

“(4) The clerks of the courts in judicial districts in which such system is operated and persons who review case information, in accordance with section 107(a) of title 11, United States Code, in the offices of the clerks.

“(5) The judges on the bankruptcy and district courts in districts in which such system is operated.

“(6) Trustees in cases pending in districts in which such system is operated.

“(g) **FEES FOR OTHER USERS.**—(1) The entity which is awarded a contract to provide the electronic case management system demonstrated under this project may, under guidelines established by the Director of the Executive Office for the United States Trustees in the provisions of such contract, collect reasonable fees from assets of the estate of the debtor in bankruptcy for providing notices and services to the court and trustees under the demonstration project.

“(2) Access to information maintained in electronic case files pursuant to the demonstration project may be provided to persons other than those specified in subsection (f), but such access shall be limited to viewing such information only. A reasonable charge for such access may be collected by the entity which is awarded a contract under this section, in accordance with the guidelines established by the Director of the Executive Office for the United States Trustees in such contract. A reasonable portion of any charge so collected may be required by the Director to be remitted to the Executive Office for United States Trustees and deposited in the United States Trustee System Fund established in section 589a of title 28, United States Code.

“(h) **SECURITY.**—Access provided under subsection (f) to an entity or an individual shall be subject to such security limitations as may be imposed by the Congress or the head of the affected entity.

#### “SEC. 311. CASES PENDING UNDER THE BANKRUPTCY ACT.

“At the end of one calendar year following the date the amendments made by subtitle A of title II of this Act [§§ 201 to 231 of Pub. L. 99-554, see Tables for classification] take effect in a district in which any case is still pending under the Bankruptcy Act [see 11 U.S.C. notes prec. 101], the district court shall withdraw the reference of any such case and, after notice and a hearing, determine the status of the case. Such case shall be remanded to the bankruptcy judge with such instructions as are necessary for the prompt closing of the case and with a requirement that a progress report on the case be provided by the bankruptcy judge after such interval as the district court deems appropriate.”

#### EFFECTIVE DATE

Chapter effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

#### SHORT TITLE OF 1986 AMENDMENT

Section 1 of Pub. L. 99-554 provided: “That this Act [enacting section 589a of this title and section 307 and chapter 12 of Title 11, Bankruptcy, amending this section, sections 49, 96, 152, 156, 157, 526, 582, 584 to 587, 604, 1334, and 1930 of this title, sections 101 to 103, 105, 108, 109, 303, 321, 322, 324, 326, 327, 329, 330, 341, 343, 345 to 348, 362 to 365, 502, 503, 521 to 524, 546 to 549, 554, 557, 701, 703 to 707, 724, 726 to 728, 743, 1102, 1104 to 1106, 1112, 1121, 1129, 1163, 1202, 1302, 1306, 1307, and 1324 to 1326 of Title 11, Bankruptcy Form No. 1, set out in the Appendix to Title 11, repealing chapters 11 and 12 of Title 11, enacting provisions set out as notes under this section and section 589 of this title, amending provisions set out as notes preceding this section and under section 152 of this title, and repealing provisions set out as a note preceding this section] may be cited as the ‘Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986’.”

#### BANKRUPTCY CRIMES

Pub. L. 109-162, title XI, § 1175, Jan. 5, 2006, 119 Stat. 3125, provided that: “The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

“(1) the number and types of criminal referrals made by the United States Trustee Program;

“(2) the outcomes of each criminal referral;

“(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

“(4) the United States Trustee Program’s efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor’s failure to disclose all assets.”

#### § 582. Assistant United States trustees

(a) The Attorney General may appoint one or more assistant United States trustees in any region when the public interest so requires.

(b) Each assistant United States trustee is subject to removal by the Attorney General.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2663; amended Pub. L. 99-554, title I, § 111(d), Oct. 27, 1986, 100 Stat. 3091.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

1986—Subsec. (a). Pub. L. 99-554, § 111(d)(1), substituted “region” for “district”.

Subsec. (b). Pub. L. 99-554, § 111(d)(2), struck out “for cause” after “removal”.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

#### APPOINTMENT OF UNITED STATES TRUSTEES BY ATTORNEY GENERAL

For sense of Congress concerning consideration of estate administrators under title 11 by the Attorney General for appointment under this section as U.S. trustee

and assistant U.S. trustee, see section 309 of Pub. L. 99-554, set out as a note under section 581 of this title.

### § 583. Oath of office

Each United States trustee and assistant United States trustee, before taking office, shall take an oath to execute faithfully his duties.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2663.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

### § 584. Official stations

The Attorney General may determine the official stations of the United States trustees and assistant United States trustees within the regions for which they were appointed.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2663; amended Pub. L. 99-554, title I, § 144(d), Oct. 27, 1986, 100 Stat. 3096.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

1986—Pub. L. 99-554 substituted “regions” for “districts”.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

### § 585. Vacancies

(a) The Attorney General may appoint an acting United States trustee for a region in which the office of the United States trustee is vacant. The individual so appointed may serve until the date on which the vacancy is filled by appointment under section 581 of this title or by designation under subsection (b) of this section.

(b) The Attorney General may designate a United States trustee to serve in not more than two regions for such time as the public interest requires.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2663; amended Pub. L. 99-554, title I, § 112, Oct. 27, 1986, 100 Stat. 3091.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

1986—Pub. L. 99-554 amended section generally. Prior to amendment, section read as follows: “The Attorney General may appoint an acting United States trustee

for a district in which the office of United States trustee is vacant, or may designate a United States trustee for another judicial district to serve as trustee for the district in which such vacancy exists. The individual so appointed or designated may serve until the earlier of 90 days after such appointment or designation, as the case may be, or the date on which the vacancy is filled by appointment under section 581 of this title.”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

### § 586. Duties; supervision by Attorney General

(a) Each United States trustee, within the region for which such United States trustee is appointed, shall—

(1) establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11;

(2) serve as and perform the duties of a trustee in a case under title 11 when required under title 11 to serve as trustee in such a case;

(3) supervise the administration of cases and trustees in cases under chapter 7, 11, 12, 13, or 15 of title 11 by, whenever the United States trustee considers it to be appropriate—

(A)(i) reviewing, in accordance with procedural guidelines adopted by the Executive Office of the United States Trustee (which guidelines shall be applied uniformly by the United States trustee except when circumstances warrant different treatment), applications filed for compensation and reimbursement under section 330 of title 11; and

(ii) filing with the court comments with respect to such application and, if the United States Trustee considers it to be appropriate, objections to such application.<sup>1</sup>

(B) monitoring plans and disclosure statements filed in cases under chapter 11 of title 11 and filing with the court, in connection with hearings under sections 1125 and 1128 of such title, comments with respect to such plans and disclosure statements;

(C) monitoring plans filed under chapters 12 and 13 of title 11 and filing with the court, in connection with hearings under sections 1224, 1229, 1324, and 1329 of such title, comments with respect to such plans;

(D) taking such action as the United States trustee deems to be appropriate to ensure that all reports, schedules, and fees required to be filed under title 11 and this title by the debtor are properly and timely filed;

(E) monitoring creditors’ committees appointed under title 11;

(F) notifying the appropriate United States attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the United States attorney, assisting the United States attorney in carrying out prosecutions based on such action;

(G) monitoring the progress of cases under title 11 and taking such actions as the

<sup>1</sup> So in original. The period probably should be a semicolon.

United States trustee deems to be appropriate to prevent undue delay in such progress;

(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and

(I) monitoring applications filed under section 327 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;

(4) deposit or invest under section 345 of title 11 money received as trustee in cases under title 11;

(5) perform the duties prescribed for the United States trustee under title 11 and this title, and such duties consistent with title 11 and this title as the Attorney General may prescribe;

(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;

(7) in each of such small business cases—

(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

(i) begin to investigate the debtor's viability;

(ii) inquire about the debtor's business plan;

(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

(iv) attempt to develop an agreed scheduling order; and

(v) inform the debtor of other obligations;

(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.

(b) If the number of cases under chapter 12 or 13 of title 11 commenced in a particular region so warrants, the United States trustee for such region may, subject to the approval of the Attorney General, appoint one or more individuals to serve as standing trustee, or designate one or more assistant United States trustees to serve in cases under such chapter. The United States trustee for such region shall supervise any such individual appointed as standing trustee in the performance of the duties of standing trustee.

(c) Each United States trustee shall be under the general supervision of the Attorney General,

who shall provide general coordination and assistance to the United States trustees.

(d)(1) The Attorney General shall prescribe by rule qualifications for membership on the panels established by United States trustees under paragraph (a)(1) of this section, and qualifications for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of title 11. The Attorney General may not require that an individual be an attorney in order to qualify for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of title 11.

(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.

(e)(1) The Attorney General, after consultation with a United States trustee that has appointed an individual under subsection (b) of this section to serve as standing trustee in cases under chapter 12 or 13 of title 11, shall fix—

(A) a maximum annual compensation for such individual consisting of—

(i) an amount not to exceed the highest annual rate of basic pay in effect for level V of the Executive Schedule; and

(ii) the cash value of employment benefits comparable to the employment benefits provided by the United States to individuals who are employed by the United States at the same rate of basic pay to perform similar services during the same period of time; and

(B) a percentage fee not to exceed—

(i) in the case of a debtor who is not a family farmer, ten percent; or

(ii) in the case of a debtor who is a family farmer, the sum of—

(I) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed \$450,000; and

(II) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds \$450,000;



based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee.

(2) Such individual shall collect such percentage fee from all payments received by such individual under plans in the cases under chapter 12 or 13 of title 11 for which such individual serves as standing trustee. Such individual shall pay to the United States trustee, and the United States trustee shall deposit in the United States Trustee System Fund—

(A) any amount by which the actual compensation of such individual exceeds 5 per centum upon all payments received under plans in cases under chapter 12 or 13 of title 11 for which such individual serves as standing trustee; and

(B) any amount by which the percentage for all such cases exceeds—

(i) such individual's actual compensation for such cases, as adjusted under subparagraph (A) of paragraph (1); plus

(ii) the actual, necessary expenses incurred by such individual as standing trustee in such cases. Subject to the approval of the Attorney General, any or all of the interest earned from the deposit of payments under plans by such individual may be utilized to pay actual, necessary expenses without regard to the percentage limitation contained in subparagraph (d)(1)(B) of this section.

(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

(4) The Attorney General shall prescribe procedures to implement this subsection.

(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2663; amended Pub. L. 99-554, title I, § 113, Oct. 27, 1986, 100 Stat. 3091; Pub. L. 101-509, title V, § 529 [title I, § 110(a)], Nov. 5, 1990, 104 Stat. 1427, 1452; Pub. L. 103-394, title II, § 224(a), title V, § 502, Oct. 22, 1994, 108 Stat. 4130, 4147; Pub. L. 109-8, title IV, § 439, title VI, § 603(b), title VIII, § 802(c)(3), title XII, § 1231, Apr. 20, 2005, 119 Stat. 113, 122, 146, 201.)

#### REFERENCES IN TEXT

Section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, referred to in subsecs. (a)(6) and (f)(1), is section 603(a) of Pub. L. 109-8, which is set out as a note under this section.

Level V of the Executive Schedule, referred to in subsec. (e)(1)(A)(i), is set out in section 5316 of Title 5, Government Organization and Employees.

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

2005—Subsec. (a)(3). Pub. L. 109-8, § 802(c)(3), substituted “13, or 15” for “or 13” in introductory provisions.

Subsec. (a)(3)(H), (I). Pub. L. 109-8, § 439(1), added subpar. (H) and redesignated former subpar. (H) as (I).

Subsec. (a)(6). Pub. L. 109-8, § 603(b)(1), added par. (6) and struck out former par. (6) which read as follows: “make such reports as the Attorney General directs;”.

Subsec. (a)(7), (8). Pub. L. 109-8, § 439(2)-(4), added pars. (7) and (8).

Subsec. (d). Pub. L. 109-8, § 1231(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (e)(3), (4). Pub. L. 109-8, § 1231(b), added pars. (3) and (4).

Subsec. (f). Pub. L. 109-8, § 603(b)(2), added subsec. (f).

1994—Subsec. (a)(3). Pub. L. 103-394 inserted “12,” after “11,” in introductory provisions and amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “monitoring applications for compensation and reimbursement filed under section 330 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to any of such applications;”.

1990—Subsec. (e)(1)(A). Pub. L. 101-509 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “a maximum annual compensation for such individual, not to exceed the annual rate of basic pay in effect for step 1 of grade GS-16 of the General Schedule prescribed under section 5332 of title 5; and”.

1986—Subsec. (a). Pub. L. 99-554, § 113(a)(1), substituted “the region for which such United States trustee is appointed” for “his district” in introductory text.

Subsec. (a)(3). Pub. L. 99-554, § 113(a)(2), substituted “title 11 by, whenever the United States trustee considers it to be appropriate—” for “title 11;” and added subpars. (A) to (H).

Subsec. (a)(5). Pub. L. 99-554, § 113(a)(3), inserted “and this title, and such duties consistent with title 11 and this title as the Attorney General may prescribe” after “title 11”.

Subsec. (b). Pub. L. 99-554, § 113(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “If the number of cases under chapter 13 of title 11 commenced in a particular judicial district so

warrant, the United States trustee for such district may, subject to the approval of the Attorney General, appoint one or more individuals to serve as standing trustee, or designate one or more assistant United States trustee, in cases under such chapter. The United States trustee for such district shall supervise any such individual appointed as standing trustee in the performance of the duties of standing trustee.”

Subsec. (d). Pub. L. 99-554, §113(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The Attorney General shall prescribe by rule qualifications for membership on the panels established by United States trustees under subsection (a)(1) of this section, and qualifications for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11. The Attorney General may not require that an individual be an attorney in order to qualify for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11.”

Subsec. (e). Pub. L. 99-554, §113(c), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows:

“(1) The Attorney General, after consultation with a United States trustee that has appointed an individual under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11, shall fix—

“(A) a maximum annual compensation for such individual, not to exceed the lowest annual rate of basic pay in effect for grade GS-16 of the General Schedule prescribed under section 5332 of title 5; and

“(B) a percentage fee, not to exceed ten percent, based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee.

“(2) Such individual shall collect such percentage fee from all payments under plans in the cases under chapter 13 of title 11 for which such individual serves as standing trustee. Such individual shall pay to the United States trustee, and the United States trustee shall pay to the Treasury—

“(A) any amount by which the actual compensation of such individual exceeds five percent upon all payments under plans in cases under chapter 13 of title 11 for which such individual serves as standing trustee; and

“(B) any amount by which the percentage for all such cases exceeds—

“(i) such individual actual compensation for such cases, as adjusted under subparagraph (A) of this paragraph; plus

“(ii) the actual, necessary expenses incurred by such individual as standing trustee in such cases.”

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by sections 439, 802(c)(3), and 1231 of Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

Amendment by section 603(b) of Pub. L. 109-8 effective 18 months after Apr. 20, 2005, see section 603(e) of Pub. L. 109-8, set out as a note under section 521 of Title 11, Bankruptcy.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Effective date and applicability of amendment by Pub. L. 99-554 dependent upon the judicial district involved, see section 302(d), (e) of Pub. L. 99-554, set out as a note under section 581 of this title.

#### AUDIT PROCEDURES

Pub. L. 109-8, title VI, §603(a), Apr. 20, 2005, 119 Stat. 122, provided that:

“(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act [Apr. 20, 2005].

“(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

“(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

“(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

“(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

“(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.”

#### APPLICATION TO ALL STANDING TRUSTEES

Section 529 [title I, §110(b)] of Pub. L. 101-509 provided that: “The amendment made by subsection (a) [amending this section] shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-54 [Pub. L. 99-554]; 100 Stat. 3121) [set out in an Effective Date of 1986 Amendment note under section 581 of this title] apply.”

#### § 587. Salaries

Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States trustees and assistant United States trustees at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.

(Added Pub. L. 95-598, title II, §224(a), Nov. 6, 1978, 92 Stat. 2664; amended Pub. L. 99-554, title I, §114(a), Oct. 27, 1986, 100 Stat. 3093.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title

at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### AMENDMENTS

1986—Pub. L. 99-554 amended section generally. Prior to amendment, section read as follows: “The Attorney General shall fix the annual salaries of United States trustees and assistant United States trustees at rates of compensation not to exceed the lowest annual rate of basic pay in effect for grade GS-16 of the General Schedule prescribed under section 5332 of title 5.”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

### § 588. Expenses

Necessary office expenses of the United States trustee shall be allowed when authorized by the Attorney General.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2664.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

### § 589. Staff and other employees

The United States trustee may employ staff and other employees on approval of the Attorney General.

(Added Pub. L. 95-598, title II, § 224(a), Nov. 6, 1978, 92 Stat. 2664.)

#### CODIFICATION

Section 408(c) of Pub. L. 95-598, as amended, which provided for the repeal of this section and the deletion of any references to United States Trustees in this title at a prospective date, was repealed by section 307(b) of Pub. L. 99-554. See note set out preceding section 581 of this title.

#### TEMPORARY SUSPENSION OF LIMITATION ON APPOINTMENTS

Pub. L. 99-554, title I, § 114(b), Oct. 27, 1986, 100 Stat. 3093, provided that: “During the period beginning on the effective date of this Act [see section 302 of Pub. L. 99-554, set out as an Effective Date note under section 581 of this title] and ending on October 1, 1989, the provisions of title 5 of the United States Code governing appointments in the competitive service shall not apply with respect to appointments under section 589 of title 28, United States Code.”

### § 589a. United States Trustee System Fund

(a) There is hereby established in the Treasury of the United States a special fund to be known as the “United States Trustee System Fund” (hereinafter in this section referred to as the “Fund”). Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

- (1) salaries and related employee benefits;
- (2) travel and transportation;

- (3) rental of space;
- (4) communication, utilities, and miscellaneous computer charges;
- (5) security investigations and audits;
- (6) supplies, books, and other materials for legal research;
- (7) furniture and equipment;
- (8) miscellaneous services, including those obtained by contract; and
- (9) printing.

(b) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation “United States Trustee System Fund”, to remain available until expended, the following—

- (1)(A) 40.46 percent of the fees collected under section 1930(a)(1)(A); and
- (B) 28.33 percent of the fees collected under section 1930(a)(1)(B);
- (2) 55 percent of the fees collected under section 1930(a)(3) of this title;
- (3) one-half of the fees collected under section 1930(a)(4) of this title;
- (4) one-half of the fees collected under section 1930(a)(5) of this title;
- (5) 100 percent of the fees collected under section 1930(a)(6) of this title;
- (6) three-fourths of the fees collected under the last sentence of section 1930(a) of this title;
- (7) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts;
- (8) excess fees collected under section 586(e)(2) of this title;
- (9) interest earned on Fund investment; and
- (10) fines imposed under section 110(l) of title 11, United States Code.

(c) Amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(d) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of expenditures made under this section.

(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).

(Added Pub. L. 99-554, title I, § 115(a), Oct. 27, 1986, 100 Stat. 3094; amended Pub. L. 101-162, title IV, § 406(c), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-140, title I, § 111(b), (c), Oct. 28, 1991, 105 Stat. 795; Pub. L. 103-121, title I, § 111(a)(2), (b)(2), (3), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-91, title I, § 101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, § 211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104-208, div. A, title I, § 101(a) [title I, § 109(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-18; Pub. L. 106-113, div. B, § 1000(a)(1) [title I, title I, § 113], Nov. 29, 1999, 113 Stat. 1535, 1501A-6, 1501A-20; Pub. L. 109-8, title III, § 325(b), Apr. 20, 2005, 119 Stat. 99; Pub. L. 109-13, div. A, title VI, § 6058(a), May 11, 2005, 119 Stat. 297; Pub. L. 110-161, div. B, title II, § 212(a), Dec. 26, 2007, 121 Stat. 1914.)

## CODIFICATION

Amendment by Pub. L. 104-91 is based on section 111(b) and (c) of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

## AMENDMENTS

2007—Subsec. (b)(10). Pub. L. 110-161 added par. (10).

2005—Subsec. (b)(1). Pub. L. 109-8, § 325(b)(1), as amended by Pub. L. 109-13, § 6058(a), added par. (1) and struck out former par. (1), which read as follows: “27.42 percent of the fees collected under section 1930(a)(1) of this title;”.

Subsec. (b)(2). Pub. L. 109-8, § 325(b)(2), as amended by Pub. L. 109-13, § 6058(a), substituted “55 percent” for “one-half”.

1999—Subsec. (b)(1). Pub. L. 106-113, § 1000(a)(1) [title I, § 113], substituted “27.42 percent” for “23.08 percent”.

Subsec. (b)(9). Pub. L. 106-113, § 1000(a)(1) [title I], added par. (9).

1996—Pub. L. 104-208 reenacted section catchline without change and amended text generally, revising and restating as subsecs. (a) to (e) provisions of former subsecs. (a) to (f).

Subsec. (b)(5). Pub. L. 104-91, as amended by Pub. L. 104-99, inserted “until a reorganization plan is confirmed” before semicolon.

Subsec. (f)(2). Pub. L. 104-91, as amended by Pub. L. 104-99, substituted “until a reorganization plan is confirmed;” for period at end.

Subsec. (f)(3). Pub. L. 104-91, as amended by Pub. L. 104-99, added par. (3).

1993—Subsec. (b)(1). Pub. L. 103-121, § 111(a)(2), substituted “23.08 per centum” for “one-fourth”.

Subsec. (b)(2). Pub. L. 103-121, § 111(b)(2), substituted “37.5 per centum” for “50 per centum”.

Subsec. (f)(1). Pub. L. 103-121, § 111(b)(3), substituted “12.5 per centum” for “16.7 per centum”.

1991—Subsec. (b)(2). Pub. L. 102-140, § 111(b)(1), substituted “50 per centum” for “three-fifths”.

Subsec. (b)(5). Pub. L. 102-140, § 111(b)(2), substituted “60 per centum” for “all”.

Subsec. (f). Pub. L. 102-140, § 111(c), added subsec. (f).

1989—Subsec. (b)(1). Pub. L. 101-162 substituted “one-fourth” for “one-third”.

## EFFECTIVE DATE OF 2005 AMENDMENTS

Pub. L. 109-13, div. A, title VI, § 6058(b), May 11, 2005, 119 Stat. 297, provided that: “This section [amending this section and section 1930 of this title, enacting provisions set out as a note under this section, and amending provisions set out as notes under this section and sections 1930 and 1931 of this title] and the amendment made by this section shall take effect immediately after the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 [Pub. L. 109-8, approved Apr. 20, 2005].”

Pub. L. 109-8, title III, § 325(d), Apr. 20, 2005, 119 Stat. 99, which provided that the amendment made by Pub. L. 109-8, § 325(b), (c), would be effective during the 2-year period beginning on Apr. 20, 2005, was omitted in the general amendment of section 325 of Pub. L. 109-8 by Pub. L. 109-13, div. A, title VI, § 6058(a), May 11, 2005, 119 Stat. 297. See note above.

## EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, § 1000(a)(1) [title I, § 113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20, provided that the amendment made by section 1000(a)(1) [title I, § 113] is effective 30 days after Nov. 29, 1999.

## EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) [title I, § 109(c)] of Pub. L. 104-208 provided that: “Notwithstanding any other provision of law or of this Act, the amendments to 28 U.S.C. 589a made by subsection (b) of this section shall take effect upon enactment of this Act [Sept. 30, 1996].”

## EFFECTIVE DATE OF 1993 AMENDMENT

Section 111(a) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

Section 111(b) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

## EFFECTIVE DATE OF 1991 AMENDMENT

Section 111 of Pub. L. 102-140 provided that the amendment made by that section is effective 60 days after Oct. 28, 1991.

## EFFECTIVE DATE

Section effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

## § 589b. Bankruptcy data

(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

(3) appropriate privacy concerns and safeguards.

(d) FINAL REPORTS.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

(1) information about the length of time the case was pending;

(2) assets abandoned;

(3) assets exempted;

(4) receipts and disbursements of the estate;

(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

- (6) claims asserted;
- (7) claims allowed; and
- (8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

(e) **PERIODIC REPORTS.**—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

- (1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;
- (2) length of time the case has been pending;
- (3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;
- (4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;
- (5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;
- (6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and
- (7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.

(Added Pub. L. 109–8, title VI, §602(a), Apr. 20, 2005, 119 Stat. 120.)

#### REFERENCES IN TEXT

For the effective date of this section, referred to in subsec. (a), see Effective Date note set out below.

#### EFFECTIVE DATE

Section effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109–8, set out as an Effective Date of 2005 Amendment note under section 101 of Title 11.

### CHAPTER 40—INDEPENDENT COUNSEL

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|------|--|
| Sec. |  |
| 591. | Applicability of provisions of this chapter.   |
| 592. | Preliminary investigation and application for appointment of an independent counsel. |
| 593. | Duties of the division of the court.   |
| 594. | Authority and duties of an independent counsel.                                      |
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| 596. | Removal of an independent counsel; termination of office.                            |

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| Sec. |  |
| 597. | Relationship with Department of Justice. |
| 598. | Severability.                            |
| 599. | Termination of effect of chapter.        |

#### AMENDMENTS

1987—Pub. L. 100–191, §2, Dec. 15, 1987, 101 Stat. 1293, amended chapter 40 heading and analysis generally, substituting items 591 to 599 for former items 591 to 598.

1986—Pub. L. 99–554, title I, §144(g)(1), Oct. 27, 1986, 100 Stat. 3097, substituted “40” for “39” as chapter designation.

1983—Pub. L. 97–409, §2(a)(1)(A), Jan. 3, 1983, 96 Stat. 2039, substituted “independent counsel” for “special prosecutor” in chapter heading and in items 592, 594, and 596.

### § 591. Applicability of provisions of this chapter

(a) **PRELIMINARY INVESTIGATION WITH RESPECT TO CERTAIN COVERED PERSONS.**—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

(b) **PERSONS TO WHOM SUBSECTION (a) APPLIES.**—The persons referred to in subsection (a) are—

- (1) the President and Vice President;
- (2) any individual serving in a position listed in section 5312 of title 5;
- (3) any individual working in the Executive Office of the President who is compensated at a rate of pay at or above level II of the Executive Schedule under section 5313 of title 5;
- (4) any Assistant Attorney General and any individual working in the Department of Justice who is compensated at a rate of pay at or above level III of the Executive Schedule under section 5314 of title 5;
- (5) the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;
- (6) the chairman and treasurer of the principal national campaign committee seeking the election or reelection of the President, and any officer of that committee exercising authority at the national level, during the incumbency of the President; and
- (7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position.

(c) **PRELIMINARY INVESTIGATION WITH RESPECT TO OTHER PERSONS.**—

(1) **IN GENERAL.**—When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

(2) **MEMBERS OF CONGRESS.**—When the Attorney General determines that it would be in the